

Practitioner's Docket No. WAVE 3.0-009**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Dennis G. Smith

Application No.: 0 10/002,601 Group No.: 3673

Filed: Nov. 1, 2001

Examiner: Michael Safavi

For: RIBBED MODULE FOR WAVE ENERGY DISPERSION

Assistant Commissioner for Patents

Washington, D.C. 20231

**AMENDMENT, PETITION AND FEE FOR EXTENSION OF TIME
TO MAINTAIN PARENT CASE WHEN AT THE SAME TIME
FILING NEW APPLICATION CLAIMING ITS BENEFIT**

NOTE: Where an extension of time is sought solely for the purpose of filing a continuation application under 35 U.S.C. § 120, and where the prior application is to be abandoned in favor of the continuing application, the filing of a response as required by 37 C.F.R. §§ 1.111 or 1.113 is considered to be an unnecessary expenditure of resources by the applicant and, in these situations, the PTO will accept the filing of a continuing application as a response under 37 C.F.R. § 1.136. Notice of May 13, 1983 (1031 O.G. 11).

NOTE: The PTO finds it useful if a copy of the petition filed in the prior application extending the term for response is filed with the papers constituting the filing of the continuation application. Notice of Nov. 5, 1985 (1060 O.G. 27).

NOTE: An express mail certificate under 37 C.F.R. § 1.10 and the **"WARNING"** below is shown on the presumption that this paper will be mailed with the new application.

06/22/2004 WABRHAM1 00000002 10002601

01 FC:2253

420.00 OP

CERTIFICATION UNDER 37 C.F.R. § 1.10*(Express Mail label number is **mandatory**.)

(Express Mail certification is optional.)

I hereby certify that this paper is being deposited with the United States Postal Service on this date 6/15/04, in an envelope, as "Express Mail Post Office to Addressee," Mailing Label Number EV 464 566514, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Edward R. Weingram

(type or print name of person mailing paper)

Signature of person mailing paper

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. § 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

***WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. § 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Amendment, Petition and Fee for Extension of Time to Maintain Parent Case When at the Same Time Filing Application Claiming Its Benefit [4-5.1]—page 1 of 4)

06/18/2004 WABRHAM1 00000002 10002601

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advance this application to final action, while at the same time filing a:

(check (a), (b), or (c), as applicable)

EV 46 4 56 6 51 4

- (a) ☒ Continuation application.
(b) ☐ Continuation-in-part application.
(c) ☐ Divisional application (where parent case is to be abandoned).

A copy of this amendment and petition is being filed with the papers constituting the filing of the separately filed application.

NOTE: Each paper or fee referred to as enclosed herein has the number of the "Express Mail" label placed thereon prior to mailing. 37 C.F.R. § 1.10(b).

2. The amendment being filed in this case is attached.
3. This is a petition under 37 C.F.R. § 1.136(a) for an extension of time to respond to

(check and complete (d) or (e), as applicable)

- (d) ☒ the Office Action mailed 12/30/03
(e) ☐ other _____

4. Applicant is:

- ☒ a small entity.

A statement:

- ☐ is enclosed.
☒ has already been filed. This status is still proper and its benefit under 37 C.F.R. § 1.28(a) is hereby claimed.
☐ other than a small entity.

(Amendment, Petition and Fee for Extension of Time to Maintain Parent Case When at the Same Time Filing Application Claiming Its Benefit [4-5.1]—page 2 of 4)

5. Extension requested:

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(complete (a) or (b), as applicable)

- (a) ☒ Applicant petitions for an extension of time under 37 C.F.R. § 1.136(a) (fees: 37 C.F.R. § 1.17(a)(1)-(4)) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 390.00	\$ 195.00
<input checked="" type="checkbox"/> three months	\$ 890.00	\$ 445.00 475.00
<input type="checkbox"/> four months	\$ 1,390.00	\$ 695.00

Fee: \$ 475.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☒ An extension for 1 months has already been secured and the fee paid therefor of \$ 55.00 is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request: \$ 420.00

or

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

6. Fee payment:

- ☒ Attached is a ☒ check ☐ money order in the amount of \$ 420.00
- ☐ Authorization is hereby made to charge the amount of \$ _____
- ☒ to Deposit Account No. 23-0812
- ☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should not be included on this form as it may become public.

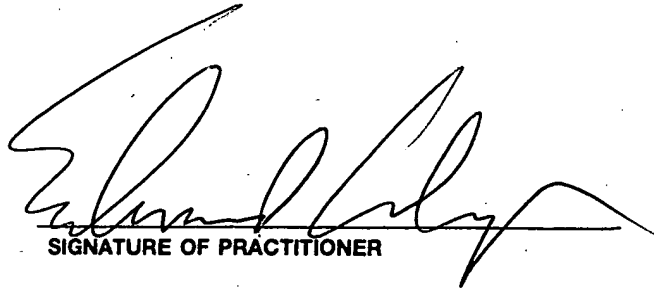
- ☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986 (1065 O.G. 31-33).

- ☐ The Office is hereby authorized to charge, in the manner shown above, the following additional fees that may be required by this paper and during the entire pendency of this application.

EV 464566514



SIGNATURE OF PRACTITIONER

Reg. No. 24,493

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(type or print name of practitioner)

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(Amendment, Petition and Fee for Extension of Time to Maintain Parent Case When at the Same Time Filing Application Claiming Its Benefit [4-5.1]—page 4 of 4)